

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Shatara Brown, Nikoe Lee, and Colleana  
Young,

Case No. 19-cv-3132 (WMW/KMM)

Plaintiffs,

**ORDER DENYING DEFENDANT'S  
MOTIONS TO DISMISS**

v.

Reese Pfeiffer, Fruen & Pfeiffer LLP,  
Michael Fruen, and M Fruen Properties  
LLC,

Defendants.

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Plaintiffs commenced this action against Defendants on December 19, 2019, asserting claims for violations of the Fair Housing Act (FHA), 42 U.S.C. §§ 3601 *et seq.*, and the Minnesota Human Rights Act (MHRA), Minn. Stat. §§ 363A *et seq.*, and for negligent supervision. Defendant Michael Fruen filed motions to dismiss Plaintiffs' complaint on January 29, 2020, (Dkt. 45), and February 27, 2020, (Dkt. 64), respectively. Subsequently, United States Magistrate Judge Katherine M. Menendez granted in part Plaintiffs' motion for leave to amend the complaint.<sup>1</sup> (Dkts. 84, 85.) On March 25, 2020, Plaintiffs filed an amended complaint that includes several revisions, including additional factual allegations and new exhibits. (Dkt. 86.)

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<sup>1</sup> In granting in part and denying in part Plaintiffs' motion, Magistrate Judge Menendez permitted Plaintiffs to file an amended complaint with all alterations sought except as to a claim of piercing the corporate veil.

An amended complaint supersedes an original complaint and divests the original complaint of any legal effect. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005). For this reason, when a plaintiff files an amended complaint while a motion to dismiss is pending, the amended complaint typically renders the motion to dismiss moot. *Onyiah v. St. Cloud State Univ.*, 655 F. Supp. 2d 948, 958 (D. Minn. 2009) (citing *Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002)). As that is the circumstance here, Fruen's motions to dismiss Plaintiffs' original complaint are moot.

### **ORDER**

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Michael Fruen's motions to dismiss Plaintiffs' complaint, (Dkts. 45, 64), are **DENIED AS MOOT**. The July 17, 2020 hearing on these motions to dismiss is **CANCELLED**.

Dated: April 9, 2020

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge